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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MICHAEL M. O'BRIEN,  
Petitioner,

Civil No. 08-686-CL

v.

J. E. THOMAS,

**ORDER**

Respondent.

**PANNER, Judge.**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).


I have given this matter *de novo* review. I find no error. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#5) is adopted. The petition (#1) is denied without prejudice to refile after petitioner has exhausted administrative remedies. All pending motions are denied as moot.

IT IS SO ORDERED.

DATED this 23 day of September, 2008.

  
OWEN M. PANNER  
United States District Judge